

Serial Number 09/553,107 Filed April 20, 2000
Amendment dated May 28, 2004
Reply to Final Office Action dated February 11, 2004
Attorney Docket No. GJH-0018 (P1998J0107D)

REMARKS

By way of the present communication, applicants have canceled claims 13 and 15 because they claimed the same composition of matter that was already allowed in related application USSN 09/553,108.

Claims 1-7, 9-12, 16 and 18 are presently in the application and under prosecution.

REJECTION UNDER 35 U.S.C. 103(a)

Claims 1-7, 9-13, 15, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison et al. in view of Cherpack.

EXAMINER'S POSITION

It is the Examiner's position that Harrison teaches a process wherein hydrocarbon feedstock is passed through two or more hydrodesulfurization zones connected in a series, each zone containing a packed bed of solid catalyst wherein the liquid is passed from a first zone to the next until the final zone. The Examiner further mentions: make-up hydrogen being supplied to the hydrodesulfurization zone other than the first zone; hydrogen-containing gas being recovered from a subsequent hydrodesulfurization zone; target sulfur levels, etc. The Examiner also states that if the feedstock is, for example, a diesel feedstock then the reaction conditions used in the process will typically be chosen to reduce the residual sulfur content to about 0.5 wt.% or less, e.g. about 0.3 wt.% S or less, even down to about 0.05 wt.% S or less and to reduce the aromatics content to about 27 vol.% etc. The Examiner continues by saying that while Harrison et al. teach processing hydrocarbon fractions derived from, *inter alia*, middle distillates, lube oil brightstocks, diesel fuels, light

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fuel oils, and the like Harrison et al. do not disclose the addition of functional additives to the processed hydrocarbon. The Examiner believes that Harrison teaches a process and composition that reasonably appears to be either the same or an obvious variation of the instantly claimed product and composition.

Cherpack is cited as teaching that it is well known that automobile engines tend to form deposits on the surface of engine components and that fuel detergents or "deposit control" additives to prevent or control such deposits are known in the art.

APPLICANTS' POSITION

It is applicants' position that one having ordinary skill in the art and knowledge of Harrison et al. in combination with Cherpack at the time the invention.

Claim 1, as previously amended, requires that at least a portion of the liquid product stream exiting the separation zone, step (e), be combined with at least one of (i) one or more lubricity aid, (ii) one or more viscosity modifier, (iii) one or more antioxidant, (iv) one or more cetane improver, (v) one or more dispersant, (vi) one or more cold flow improver, (vii) one or more metals deactivator, (viii) one or more corrosion inhibitor, (ix) one or more detergent, and (x) one or more distillate or upgraded distillate.

The combining of at least a portion of the liquid product with at least one of the additives set forth in claim 19 is in a dependent claim off of claim 1, and as such is patentable if claim 1 is patentable. It is applicants' position that claim 1 is patentable over Harrison et al, and Cherpack either alone or in combination.

Therefore, the Examiner is requested to reconsider and withdraw this rejection.

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REJECTION UNDER 35 U.S.C. 102(e)/103(a)

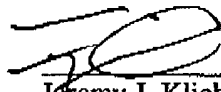
Claims 13, and 15 have been rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being obvious over United States Patent Number 6,461,497 B1, Pedersen ("Pedersen").

Applicants have canceled claims 13 and 15 because their subject matter has already been allowed in co-pending application USSN 09/553,108.

Based on the preceding arguments and cancellation of claims 13 and 15, the Examiner is requested to reconsider and withdraw all rejections and pass this application to allowance. The Examiner is encouraged to contact applicants' attorney should the Examiner wish to discuss this application further.

Respectfully submitted:

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